

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/760,315

Attorney Docket No. Q79431

## **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-10 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

### **I. Overview of the Office Action**

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blanke (U.S. Patent Application Publication No. 2002/0141512) in view of Matsuki (U.K. Patent Application 2 315 622). Applicant respectfully traverses the rejections.

### **II. Prior Art Rejections**

The Examiner asserts that Blanke discloses all of the features of independent claim 1 except for “adding means, dropping means, and/or routing means for extraction and injection of baseband data streams and, respectively routing the data streams through the stages.” The Examiner thus relies on Matsuki to allegedly cure this conceded deficiency, and alleges that:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Matsuki into the

invention of Blanke in order to compensate for the failure of an amplifier in a transmitter by increasing the base band signal.<sup>1</sup>

Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that there is no teaching or suggestion in Matsuki that “each baseband processing section comprises adding means, dropping means, and/or routing means for extraction and injection of baseband data streams and, respectively routing the data streams through the stages”, as recited in independent claim 1 and analogously recited in independent claim 8. The Examiner cites page 21, line 4 to page 22, line 18 of Matsuki as allegedly disclosing this feature of the claim. However, this cited portion of Matsuki merely discloses that a control section 11 of a transmission device (FIG. 2) calculates the number of baseband signal producing sections whose outputs should be turned off, and turns off these signal producing sections. The control operation is carried out in such a manner that the outputs are successively turned off from those baseband signal producing sections to which the input of the transmission data signals has been completed. Further, Matsuki discloses that it is possible to compensate, by increasing the outputs of the baseband signal producing sections, the decrease of the transmission power caused by the attenuation in gain of the amplifier.

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<sup>1</sup> Page 4 of the Office Action dated August 28, 2007.

However, Applicant respectfully submits that there is no teaching or suggestion in this cited portion (or any other portion) of Matsuki of adding data to a received data stream or extracting data from a received data stream and routing the data streams through stages as required in independent claim 1. In fact, there is simply no disclosure in Matsuki of the routing of data by the baseband processing sections (1) of Matsuki.

Further, Applicant respectfully submits that the invention recited in independent claim 1 and analogous independent claim 8 would not have been rendered obvious in view of the combination of Blanke and Matsuki as asserted by the Examiner. In particular, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify Blanke to produce the claimed invention based on the teachings of Matsuki.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, there must be some suggestion or motivation to modify and combine the reference teachings. In particular, “[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference.” *Ex parte Clapp* 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In the present case, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the system of Blanke to “compensate for the failure of

an amplifier", as asserted by the Examiner<sup>2</sup> because there is no mention in Blanke of an amplifier, thus undermining the Examiner's stated rationale for the combination.

Accordingly, Applicant respectfully submits that there is no suggestion or motivation to modify or combine the reference teachings, and the Examiner has not provided any objective reasoning why one of ordinary skill in the art would have been motivated to modify Blanke in view of Matsuki to produce the claimed invention. Moreover, the Examiner does not address how or why one of ordinary skill in the art would have been able to modify Blanke in view of Matsuki to produce the claimed invention.

Accordingly, Applicant respectfully submits that claim 1 and analogous claim 8 should be allowable over the cited references, alone or in combination, because the cited references do not teach or suggest all of the features of the claims, and one of ordinary skill in the art would not have been motivated to combine and modify the cited references to produce the claimed invention. Claims 2-7, 9, and 10 should also be allowable at least by virtue of their dependency on independent claims 1 and 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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<sup>2</sup> Page 4 of the Office Action.

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Respectfully submitted,



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